

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BARBARA ROBINSON,)
Plaintiff,)
v.) Case No. CV416-099
RANDALL WILLIAMS,)
Defendant.)

REPORT AND RECOMMENDATION

Proceeding *pro se*, Randall Williams removed this case from state court. Doc. 1.¹ His landlord (plaintiff Barbara Robinson) brought a dispossessory proceeding against him there. Doc. 1. Aware of the jurisdictional requirements for removal, and evidently expecting a motion to remand this case back to state court,² he alleged:

Plaintiff [Robinson] has actually filed a Federal Question Action in

¹ He also moves for leave to do so *in forma pauperis*. Doc. 2. Finding him indigent, the Court **GRANTS** his motion.

² See *Scimone v. Carnival Corp.*, 720 F.3d 876, 882 (11th Cir. 2013) (“[T]he burden of establishing removal jurisdiction rests with the defendant seeking removal. . . . [W]hen we evaluate whether the particular factual circumstances of a case give rise to removal jurisdiction, we strictly construe the right to remove and apply a general presumption against the exercise of federal jurisdiction, such that all uncertainties as to removal jurisdiction are to be resolved in favor of remand.”) (quotes and alterations omitted).

County Court, for which the County Court Action is removed under 28 U.S.C. 1441 *et seq.* *Hunter v Philip Morris, USA*, 582 F.3d 1039, 1042-43 (9th Cir. 2009); 28 U.S.C. 1331.

The Complaint in this action was filed in County Court as artful pleading, entitled by the County Court of Georgia as Dispossessory Warrant". Pleadings intentionally fails to allege compliance with the Civil Rights Act of 1968. Defendant has multiple habitability issues as well as discrimination issues.

Doc. 1 at 2 ¶¶ 5-6 (unedited). He also alleges that he is “a member of a protected class of whom the statue [sic], the ‘Civil Rights Act of 1968’ was created.” *Id.* at 3 ¶10. However, he fails to allege *how* he is a member (*e.g.*, his race). He further explains that “The Federal Cause of Action in ejectment is the basis for this action, irrespective of artful pleading, such that action could have been brought in Federal District Court.”

Williams’ removal is patently frivolous. This is simply a plain vanilla, “dispo-writ” action (over his failure to pay his rent to Robinson) brought by Robinson in the Magistrate Court of Chatham County. Doc. 1 at 9. It is a non-diversity case, and Williams at best makes a laughable attempt to plead a federal-question-jurisdictional basis. He even attempts to invert his own pleading burden by pretending that Robinson “really” filed “a Federal Question Action in County Court.” Doc. 1 at 2.

Unsurprisingly, he has cites *no* valid legal support.

Nor is it a surprise that Williams has failed to respond to, and thus by Local Rule does not oppose,³ Robinson's "Motion to Dismiss" (construed here as a Motion For Remand). Doc. 5; *see also* doc. 4 (the parties' rent agreement). Thus, the Court should **REMAND** this case back to The Magistrate Court of Chatham County.

SO REPORTED AND RECOMMENDED, this 18th day of August, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

³ She filed her motion on June 1, 2016, and Williams' response was due June 20, 2016. Doc. 5. His failure to respond indicates no opposition per Local Rule 7.5.